



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095

7590

12/10/2002

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,429

Applicant(s)

BAIR, KEVIN D.

Examiner

Hanh B Thai

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the reconsideration dated 11/13/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/08/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2171

This is in response to the Reconsideration dated November 13, 2002.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-39 have been considered but have not been found persuasive.
2. Examiner respectfully traverses applicant's primary argument(s).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2171

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz U. S. Patent no. 6,292,827.

Regarding claim 1, Raz discloses a method at (FIG.1) for accessing information on a network (2), the method comprising the steps of:

- a) allowing a first system (8) to submit a query to a second system (1);
- b) processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query; and
- c) utilizing the second system to return a result of the processed query to the first system (FIG. 1 and summary of Raz).

Regarding claim 2, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Raz discloses in FIG.1 the method wherein the first system comprises a client machine (1) and the second system comprises a server machine (9).

Regarding claim 3, the limitations of this claim have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, Raz discloses the method wherein the information comprises data and metadata (column 5, lines 66-67).

Art Unit: 2171

Regarding claim 4, the limitations of this claim have been noted in the rejection of claim 3. Applicant's attention is directed to the rejection of claim 3 above. In addition, Raz discloses the method wherein the metadata comprises information about objects (column 5, lines 62-67).

Regarding claim 5, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Raz discloses the method wherein the objects comprise tables, triggers and indexes (FIG. 8-10).

Regarding claim 6, the limitations of this claim have been noted in the rejection of claim 5. Applicant's attention is directed to the rejection of claim 5 above. In addition, Raz discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66).

Regarding claim 7, the limitations of this claim have been noted in the rejection of claim 5. Applicant's attention is directed to the rejection of claim 5 above. In addition, Raz discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66 and column 5, line 62 to column 6 line 7).

Regarding claim 8, the limitations of this claim have been noted in the rejection of claim 6. Applicant's attention is directed to the rejection of claim 6 above. In addition, Raz discloses

Art Unit: 2171

the method wherein the server machine implements a second protocol to process the query
(column 8, lines 51-54).

Regarding claim 9, the limitations of this claim have been noted in the rejection of claim 8. Applicant's attention is directed to the rejection of claim 8 above. In addition, Raz discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7).

Regarding claim 10, the limitations of this claim have been noted in the rejection of claim 9. Applicant's attention is directed to the rejection of claim 9 above. In addition, Raz discloses the method wherein the network comprises the Internet (FIG. 1).

Regarding claim 11, the limitations of this claim have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 7 above. In addition, Raz discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 11. Applicant's attention is directed to the rejection of claim 11 above. In addition, Raz discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Raz discloses the method wherein the network comprises the Internet (FIG. 1).

Regarding claims 14-39, the elements of these claims are rejected in the analysis above and these claims are rejected on that basis.

Response to Arguments

Applicant argues, Raz does not teach "allowing a first system to submit a query to a second system ... processing the query with the second system, **wherein the second system utilizes information not residing on the second system to process the query**" (response 11/13/02, page 3). The examiner respectfully disagrees because Raz teaches the limitations of the claim. For example, Raz teaches "the method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database ***such that a portion of the distributed data resides at the client terminals and another portion resides at the servers***" (see summary of Raz). Clearly, ***portion of data at client terminal satisfy the claim limitation of not residing on the second system.***

Art Unit: 2171

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2171

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9099 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai HT
Art Unit 2171
December 6, 2002



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100